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Federal Communications Commission  
Office of the Secretary

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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Federal Communications Commission  
Office of the Secretary

In the Matter of )

Amendment of the Commission's Rules to )  
Facilitate the Use of Cellular Telephones and )  
other Wireless Devices Aboard Airborne Aircraft.)

WT Docket No. 04-435

COMMENTS

Submitted: March 21, 2005

To: Chairman Martin, Commissioners Abernathy, Copps and Adelstein:

Pursuant to the Commission's request for public comments in its *Notice of Proposed Rulemaking* (NPRM), FCC 04-288, in WT Docket No. 04-435, adopted December 15, 2004 and released February 15, 2005 to amend the Commission's Rules to Facilitate the Use of Cellular Telephones and other Wireless Devices Aboard Airborne Aircraft, the following is being submitted for your consideration.

The use of cellular telephones and other wireless devices aboard airborne aircraft have been banned since 1991 under Section 22.925 of the Commission's rules<sup>1</sup> due to the potential for interference to terrestrial cellular systems.<sup>2</sup> The Federal Aviation Administration (FAA) rules and policies independently prohibit the use of personal electronic devices, including cellular devices to mitigate interference to an aircraft's navigation and communications systems.<sup>3</sup> As the Commission considers, in coordination with the FAA, relaxing or replacing its ban for these technical reasons, both agencies would be well advised to seriously consider also the negative impact that the relaxing of this ban would have on the traveling public.

While it is the Commission's regulatory jurisdiction to promote advances made in wireless technologies and that it may be of great importance to some, but not certainly not all, of the traveling public to use cellular telephones and other wireless devices aboard airborne aircraft, the Commission's first and foremost consideration in this proceeding must be that any resultant order will ensure that flight safety continues to be of paramount importance. If the Commission were to relax or replace its ban to permit the use of these wireless

<sup>1</sup> 47 C.F.R. § 22.925

<sup>2</sup> Airborne Use of Cellular Telephones Report and Order, 7 FCC Rcd 23 (1991)

<sup>3</sup> "Use of Portable Electronic Devices Aboard Aircraft," Advisory Circular, AC No. 91.21-1A (Oct. 2, 2000)

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devices, their introduction and proliferation into the airborne aircraft along with the radio signals that they produce may, in fact, compromise flight safety by interfering with the aircraft's navigation and communications systems that could have detrimental or catastrophic effects to the life and safety of the aircraft and its passengers.

A secondary, but extremely significant, issue that the Commission must also consider is what effect relaxing or replacing its ban would have on the operational safety and security of the aircraft and its passengers. The perceived benefit to an individual who is permitted use of a cellular telephone or other wireless device while in flight must be strongly weighed against the invasion of privacy as well as the emotional and psychological well-being of the other fare-paying passengers who should not be subjected to the often rude, disruptive user in their quest for connectivity. It is unwarranted to further elevate the level of stress and anxiety associated with air travel, already heightened in today's world, by requiring its passengers to repeatedly listen to multiple cellular telephone user conversations throughout a flight.

The instances of in-flight 'air rage' between passengers, in the close environment of an aircraft cabin coupled with the availability of alcoholic beverages, will become commonplace and possibly disastrous if this ban is lifted. The onus should not be placed on the airline's crewmembers to intervene in conflicts arising between a cellular telephone or other wireless device user and the surrounding passengers that they distract. The traveling public has, for many years, been subjected to not only this ban, but one prohibiting smoking during domestic flights as well and despite these restrictions, commercial air travel continues to grow in ever-increasing numbers without any deleterious effect to the industry.

Therefore, it is requested that the Commission withdraw this NPRM until further notice and abandon its stated objective to allow consumers to use their own wireless devices during flight, and further, the current rule should remain in effect until such time that aviation safety and security can be ensured if use of a cellular telephone or other wireless device were to be permitted aboard airborne aircraft.

Respectfully submitted,

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